

IN THE SENATE OF THE UNITED STATES.

MAY 12, 1858.—Ordered to be printed.

Mr. WILSON made the following

REPORT.

[To accompany Bill S. 224.]

The Committee on Military Affairs and the Militia, to whom were referred the papers in relation to the claim of Edward Ingersoll, having had the same under consideration, report :

Under the act making appropriations for the army, approved 3d March, 1853, a board of commissioners was appointed to examine the United States armories. While in the discharge of their duties at Springfield, in Massachusetts, Edward Ingersoll, the military store-keeper at that place, employed carriages for the use and convenience of the board, the expense of which, it was supposed, would be charged to their contingent account, which, including this item, was audited and passed by the board during their session. The appropriation to defray the expenses of this commission was not sufficient to cover them all, as the item of hack hire was stricken out of the estimate before it was sent to Congress, for the reason that it should be paid by the commissioners themselves.

Application was then made to the commissioners for the payment of the amount thus due, and for which Mr. Ingersoll was held responsible ; but they failed to attend to it, and Mr. Ingersoll has been compelled, by course of law, to pay the judgment and costs against him, amounting to \$335 75.

The committee are of the opinion that the commissioners should have paid this money ; Mr. Ingersoll's agency in the matter only extended to making a bargain in order to obtain the use of carriages for the commissioners, at a reasonable price ; but as the payment has fallen upon him, it is only fair that he should be reimbursed in the amount for which he was held accountable, and they report a bill for his relief.

ORDNANCE OFFICE,
Washington, February 26, 1857.

SIR ; In accordance with the suggestion of the President, endorsed on the enclosed letter directed to you from this office, and in view of the manifest equity of the case, I respectfully request that application

be made for an appropriation of three hundred and thirty-five dollars and seventy-five cents, (\$335 75,) to repay to Military Storekeeper Edward Ingersoll the amount of a judgment, with costs, against him, for the hire of carriages used by the armory commission, appointed in pursuance of law in 1853.

The letter before referred to, together with my subsequent report on the same subject, dated November 12, 1856, herewith enclosed, gives full information as to the facts of the case. I may add that due efforts have been made to obtain payment of the bill for carriage hire from the commissioners, but without success, and I regard it now as impossible to obtain in that way the relief to which Military Storekeeper Ingérsoll is justly entitled.

Very respectfully, your obedient servant,

H. K. CRAIG,
Colonel of Ordnance.

Hon. JEFFERSON DAVIS,
Secretary of War.

ORDNANCE OFFICE,
Washington, January 8, 1858.

SIR: Permit me to ask your attention to a claim of Edward Ingersoll, paymaster and military storekeeper at Springfield, for reimbursement of the sum of three hundred and thirty-five dollars and seventy-five cents, (\$375 75,) paid by him for judgment and costs in a suit for a bill for the hire of carriages for the use of the armory commission, appointed in pursuance of law, in 1853. A full narrative of the circumstances under which this claim originated was given in my report to the War Department, dated February 26, 1857, and the accompanying papers, none of which have since been returned to this office, and which are now respectfully referred to. These papers show that the carriages were hired for the use of the commission, in the performance of their official duties, and that Mr. Ingersoll's agency in the matter was solely to make a bargain with the owners for the purpose of obtaining the use of the carriages on fair and reasonable terms, and that the bill for carriage hire was subsequently submitted to the commission while in session, and was audited and passed by them, and the amount included in their estimate for an appropriation to defray the expenses of the commission. That appropriation, when made, was insufficient to pay all the expenses, and the bill for carriage hire, the amount of which had been stricken from the estimate before sending it to Congress, was left unpaid. The owners of the carriages, E. L. Kinsly & Co., demanded its payment, when the Secretary of War directed that each of the commissioners should be informed of the claim and invited to pay his portion of it. This was accordingly done, and the commissioners were also notified that Mr. Ingersoll was held personally responsible and would be sued for the amount of the bill, unless they would settle it by paying their respective proportions. The notification did not effect this result, and Mr. Ingersoll was sued by E. L. Kinsly & Co., and compelled, by process of law, to pay the amount

of the bill, with costs, (\$335 75,) out of his private means. He has not been reimbursed any portion of the sum thus paid, and his claim for reimbursement is, in my judgment, manifestly equitable and just. I think that the claim may be properly charged to the appropriation for national armories, inasmuch as the commission, for whose use in the discharge of their official business the expense was incurred, was instituted for investigating the affairs of those armories, and I respectfully recommend its allowance.

Respectfully, your obedient servant,

H. K. CRAIG, *Captain of Ordnance.*

Hon. JOHN B. FLOYD, *Secretary of War.*

WAR DEPARTMENT,
Washington, March 1, 1858.

SIR: I have the honor to enclose, herewith, a letter from the colonel of ordnance in relation to a claim of Edward Ingersoll, paymaster and military storekeeper at Springfield armory, for reimbursement of the amount (\$335 75) paid by him on account of the expenses of the commission appointed in 1853 to investigate the affairs of the national armories.

This claim was submitted to the President in 1855, who decided that, if the efforts to obtain payment from the commissioners were unsuccessful, an application should be made for an appropriation sufficient to meet the judgment against the military storekeeper. Under that decision I do not deem it advisable to authorize the payment, as suggested by the colonel of ordnance, out of the appropriation for the national armories, but I recommend that a special appropriation be made for the purpose.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. JEFFERSON DAVIS,
Chair. Com. Military Affairs, Senate.

PETERBORO', NEW HAMPSHIRE, *April 10, 1858.*

HONORABLE SIR: From a friend I have just received a written copy of your report to the Senate on Edward Ingersoll's claim. In that report, among other sentences not strictly correct, you state that "the committee are of opinion that the commissioners should have paid this money," meaning, no doubt, the amount of Kinsley & Co.'s bill for carriage hire. Now, sir, having been one of the commissioners alluded to, and not being willing, even by implication, to be charged with refusing, or even avoiding payment of any just debt or demand, induces me to lay before you such facts as my papers or memory enable me to do, not doubting that if you had possessed these facts prior to your report its language, at least, if not its entire construction, would have been materially changed.

It is true that carriages were furnished for the use of the commis-

sioners and others, but this was not done by *order, direction, or even request* of the board, or either of them, (I speak for the civil portion, and not for the military, not knowing what they did,) but as we then understood, and as I now believe by order of Colonel Ripley, the then "commandant" of the Springfield armory, and when enquired into, and even remonstrated against, we were answered that it was not only usual on such occasions, but that we had nothing to do with the matter. Thus this matter rested until our assembling at Washington, when we were not a little surprised at having Kinsley & Co.'s bill presented to us, *not for us to pay*, no such intimation was given, but for us to place in the schedule of expenditures incurred, and even this was at once objected to, first, because we had been assured that we had nothing to do with it; secondly, that we believed that the charges were too high, if not extravagant. For myself, I was so much disgusted at the attempt to force that account on us in any shape, or for any purpose, that I immediately penned a remonstrance, (a copy marked A enclosed,) which, in consequence of a majority of the board having agreed to permit that account, in a *reduced and modified* form, to be placed in the schedule of charges, &c., I withheld. The schedule thus made up, as I afterwards learned, was presented to the President, and by him that article was stricken out. Thus, so far as regards myself, or so far as my knowledge extends in relation to other members of the board, this matter rested until I received a letter from Kinsley & Co., dated June 15, 1854, (copy enclosed, marked B, and my reply thereto, dated June 19, 1854, marked C.) This I supposed would, so far as regards the commissioners, end the matter; but no, a letter was received from the ordnance office, signed by Col. Craig, dated October 7, 1854, (a copy enclosed marked D, and my reply dated October 12, 1854, marked E.) The perusal of these papers, I cannot doubt, will go far to convince you that the various statements made by Mr. Ingersoll, or others for him, need at least a good deal of proving, and although I may not be able to prove, yet I have not a doubt that Mr. Ingersoll is not and should not be a sufferer, yet he should have stated the facts as they are, and not attempt to shield the real culprit behind the backs of the commissioners.

I leave it to you, sir, to make such use of this communication as your sense of justice and fair dealing prompts.

Yours, &c.,

Senator WILSON.

JNO. H. STEELE.

A.

I protest against the bill of Kinsley & Co. for carriage hire. First, on the ground that the commissioners neither ordered nor sanctioned the hire or use of carriages to or from the armory; on the contrary, when the carriages were furnished we were assured that it was usual to furnish them on such occasions, and that the commissioners had nothing to do with the matter; and secondly, because the charges are exorbitant, being, as I believe, twice as much as they should be.

JNO. H. STEELE.

B.

DEAR SIR: We hear, from Captain William Maynadier, that our bill (\$297 25) for carriages furnished the late United States armory commission was thrown out when the appropriation was made for your services. "Please inform us upon whom we shall draw for the amount of said bill."

We have called upon E. Ingersoll, military storekeeper here, and he informed us that the carriages were ordered by your board through him, and can give us no further information upon the subject. Please give it your early attention, and oblige

Yours, with respect,

E. L. KINSLEY, *Bishop*.

Hon. J. H. STEELE.

C.

PETERBORO', NEW HAMPSHIRE,

June 19, 1854.

GENTLEMEN: I am unable to give you any information in regard to your inquiries of the 15th, except to say that if the use of your carriages were ordered by the late commission it was not only without my knowledge or consent, but contrary to my belief. By whom they were ordered I do not know; all I do know is, that whenever inquiries were made by me relative to the matter, they were met with the assurance that it was not a business of ours, but that of the commandants, and that we had nothing to do with it; and I was not a little surprised when your bill was presented before the commission at Washington. I then remonstrated against having anything to do with it, and if Mr. Ingersoll was, as you say, the orderer, he undoubtedly did so either on his own or on some other authority than that of the commissioners.

Yours, &c.,

JNO. H. STEELE.

Messrs. KINSLEY & Co.

D.

ORDNANCE OFFICE,
Washington, October 7, 1854.

SIR: Mr. Ingersoll, the paymaster of the Springfield armory, having written to me that he has been sued by Messrs. E. L. Kinsley & Co. for the hire of carriages used by the armory commission of 1853, of which you were a member, although the carriages had been hired and were used by the commission before he said anything to Messrs. Kinsley & Co. on the subject, and although, when he did speak to them, it was merely to fix upon a price.

The estimate for this expense having been stricken out of the appropriation for the compensation and expenses of the commission, Mr. Ingersoll cannot charge it in his accounts, and he protests against the injustice of being made personally responsible for it. Under these circumstances I submitted the matter to the Secretary of War, who has decided as follows :

“The chief of the ordnance will communicate the within facts to the different numbers of the commission, in order that they may have an opportunity of settling the account of Messrs. Kinsley & Co. for hack hire while at Springfield.

“JEFFN. DAVIS, *Secretary of War.*

“WAR DEPARTMENT, *October 4, 1854.*”

I therefore give you the information. The whole amount of Messrs. Kinsley's bill, it appears, is \$297 25. If sent to Mr. Ingersoll it will be paid over by him.

I am, sir, respectfully, your obedient servant,

H. K. CRAIG,

Colonel of Ordnance.

E.

PETERBORG', NEW HAMPSHIRE,

October 12, 1854.

SIR : In answering yours of the 7th, all the information I can at present give is, that the commissioners, as a body, did not order, direct, or request the hire of carriages, neither do I believe that they did so individually, but each can answer for himself. I know that I did not, and I also know that we were assured that we had nothing to do with the matter. The first intimation I had that the commissioners had or would have anything to do with their hire was near the close of our sittings at Washington, when Kinsley & Co.'s bill was presented, *not for us to pay*, but to audit, and even this was remonstrated against as being contrary to the assurances given at Springfield. I did not then and do not now doubt that, if it had been understood by the authorities at Springfield that the commissioners would report in favor of the continuance of military rule, that we would not have seen or heard of Kinsley & Co.'s bill.

Under these circumstances it will not be difficult to judge whether we will avail ourselves of the notice which the Secretary of War had the kindness to direct you to give, “in order,” as he says, “that we may have an opportunity of settling the account,” &c.

Yours, &c.,

JOHN H. STEELE.

Col. CRAIG.

